



Sen. Deanna Demuzio

Filed: 3/25/2009

09600SB1339sam002

LRB096 10741 ASK 24444 a

1 AMENDMENT TO SENATE BILL 1339

2 AMENDMENT NO. _____. Amend Senate Bill 1339 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Roofing Industry Licensing Act is
5 amended by changing Sections 3.5 and 4.5 as follows:

6 (225 ILCS 335/3.5)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 3.5. Examination.

9 (a) The Department shall authorize examinations for
10 applicants for initial licenses at the time and place it may
11 designate. The examinations shall be of a character to fairly
12 test the competence and qualifications of applicants to act as
13 roofing contractors. Each applicant for limited licenses shall
14 designate a qualifying party who shall take an examination, the
15 technical portion of which shall cover residential roofing
16 practices. Each applicant for an unlimited license shall

1 designate a qualifying party who shall take an examination, the
2 technical portion of which shall cover residential,
3 commercial, and industrial roofing practices.

4 (b) An applicant for a limited license or an unlimited
5 license or a qualifying party designated by an applicant for a
6 limited license or unlimited license shall pay, either to the
7 Department or the designated testing service, a fee established
8 by the Department to cover the cost of providing the
9 examination. Failure of the individual scheduled to appear for
10 the examination on the scheduled date at the time and place
11 specified after his or her application for examination has been
12 received and acknowledged by the Department or the designated
13 testing service shall result in forfeiture of the examination
14 fee.

15 ~~(c) A person who has a license as described in subsection~~
16 ~~(1.5) of Section 3 is exempt from the examination requirement~~
17 ~~of this Section, so long as (1) the license continues to be~~
18 ~~valid and is renewed before expiration and (2) the person is~~
19 ~~not newly designated as a qualifying party after July 1, 2003.~~

20 The qualifying party for an applicant for a new license must
21 have passed an examination authorized by the Department before
22 the Department may issue a license.

23 (d) The application for a license as a corporation,
24 business trust, or other legal entity submitted by a sole
25 proprietor who is currently licensed under this Act and exempt
26 from the examination requirement of this Section shall not be

1 considered an application for initial licensure for the
2 purposes of this subsection (d) if the sole proprietor is named
3 in the application as the qualifying party and is the sole
4 owner of the legal entity. Upon issuance of a license to the
5 new legal entity, the sole proprietorship license is
6 terminated.

7 The application for initial licensure as a partnership,
8 corporation, business trust, or other legal entity submitted by
9 a currently licensed partnership, corporation, business trust,
10 or other legal entity shall not be considered an application
11 for initial licensure for the purposes of this subsection (d)
12 if the entity's current qualifying party is exempt from the
13 examination requirement of this Section, that qualifying party
14 is named as the new legal entity's qualifying party, and the
15 majority of ownership in the new legal entity remains the same
16 as the currently licensed entity. Upon issuance of a license to
17 the new legal entity under this subsection (d), the former
18 license issued to the applicant is terminated.

19 (e) An applicant has 3 years after the date of his or her
20 application to complete the application process. If the process
21 has not been completed within 3 years, the application shall be
22 denied, the fee shall be forfeited, and the applicant must
23 reapply and meet the requirements in effect at the time of
24 reapplication.

25 (Source: P.A. 95-303, eff. 1-1-08.)

1 (225 ILCS 335/4.5)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 4.5. Duties of qualifying party; replacement; grounds
4 for discipline.

5 (a) While engaged as or named as a qualifying party for a
6 licensee, no person may be the named qualifying party for any
7 other licensee. However, the person may act in the capacity of
8 the qualifying party for one additional licensee of the same
9 type of licensure if one of the following conditions exists:

10 (1) There is a common ownership of at least 25% of each
11 licensed entity for which the person acts as a qualifying
12 party.

13 (2) The same person acts as a qualifying party for one
14 licensed entity and its licensed subsidiary.

15 "Subsidiary" as used in this Section means a corporation of
16 which at least 25% is owned by another licensee.

17 (b) In the event that a qualifying party is terminated or
18 terminating his or her status as qualifying party of a
19 licensee, the qualifying party and the licensee shall notify
20 the Department of that fact in writing. Thereafter, the
21 licensee shall notify the Department of the name and address of
22 the newly designated qualifying party. The newly designated
23 qualifying party must take the examination prescribed in
24 Section 3.5 of this Act. These requirements shall be met in a
25 timely manner as established by rule of the Department.

26 (c) A qualifying party that is accepted by the Department

1 shall have the authority to act for the licensed entity in all
2 matters connected with its roofing contracting business and to
3 supervise roofing installation operations. This authority
4 shall not be deemed to be a license for purposes of this Act.

5 (d) Designation of a qualifying party by an applicant under
6 Section 3 is subject to acceptance by the Department. The
7 Department may refuse to accept a qualifying party (i) for
8 failure to qualify as required under this Act and the rules
9 adopted under this Act or (ii) after making a determination
10 that the designated party has a history of acting illegally,
11 fraudulently, incompetently, or with gross negligence in the
12 roofing or construction business.

13 (e) The Department may, at any time after giving
14 appropriate notice and the opportunity for a hearing, suspend
15 or revoke its acceptance of a qualifying party designated by a
16 licensee for any act or failure to act that gives rise to any
17 ground for disciplinary action against that licensee under
18 Section 9.1 or 9.6 of this Act. If the Department suspends or
19 revokes its acceptance of a qualifying party, the license of
20 the licensee shall be deemed to be suspended until a new
21 qualifying party has been designated by the licensee and
22 accepted by the Department.

23 If acceptance of a qualifying party is suspended or revoked
24 for action or inaction that constitutes a violation of this Act
25 or the rules adopted under this Act, the Department may in
26 addition take such other disciplinary or non-disciplinary

1 action as it may deem proper, including imposing a fine on the
2 qualifying party, not to exceed \$10,000 for each violation.

3 All administrative decisions of the Department under this
4 subsection (e) are subject to judicial review pursuant to
5 Section 9.7 of this Act. An order taking action against a
6 qualifying party shall be deemed a final administrative
7 decision of the Department for purposes of Section 9.7 of this
8 Act.

9 (Source: P.A. 91-950, eff. 2-9-01.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."